



# NATIONAL PARK SERVICE ENVIROFACTS

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## WASTE DISPOSAL FACILITY SELECTION

### DEFINITIONS:

#### Treatment Storage and Disposal Facility

**(TSDF):** The EPA defines TSDFs or "waste disposal facility" as facilities which treat, store, or dispose of hazardous waste.

**Treatment:** Any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous waste such as neutralization and stabilization.

**Storage:** The holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

**Disposal:** Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water. Parks are encouraged to recycle or reuse waste as opposed to disposal.

**Disposal Facility:** A facility or part of a facility at which hazardous waste is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

### APPLICABLE STANDARDS

**Federal:** Resource Conservation and Recovery Act (RCRA) regulations - Parts 264, 265, 270 and 300 of Title 40 of the Code of Federal Regulations.

**State:** Most states have adopted TSDF regulations similar to the federal requirements. However, state requirements can be more stringent than federal and should be reviewed.

**Other:** Local requirements concerning TSDFs for your area should be reviewed.

### WHY BE CONCERNED?

It is important that Parks actively review and research all waste disposal facilities before using their services because of the

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) liability. CERCLA makes each person or company responsible for correcting environmental damage caused by wastes generated or transported by that company. Remember that you, the generator, are responsible for your waste from "Cradle to Grave." Therefore, Parks are responsible for ensuring that the waste disposal facilities selected to store, treat, or dispose of their waste do not present a high risk of creating future CERCLA liability. This fact sheet provides some methods Parks can use to assess the risk associated with a particular TSDF. For additional information about CERCLA liability Parks may take advantage of the RCRA/UST, Superfund, and EPCRA Hotline at 1-800-424-9346.

### PERMITTED STATUS

Parks should confirm that the TSDF they are or plan to use is properly permitted within their state. TSDFs are covered by two types of requirements: Interim Status Standards (Part 265) and General Permitting Standards (Part 264).

Interim status gives TSDFs temporary authority to continue operations, as long as they comply with requirements specified in the Interim Status Standards. Without interim status, facilities are not allowed to operate and should not be accepting Park waste. Most TSDFs used by Parks will be in possession of a General Permit as interim status generally no longer applies.

Typically, the easiest way to confirm that a TSDF is properly permitted is to call your state environmental regulatory agency. They typically have a CERCLA section dedicated to tracking and providing this type of information to the public.



### CONFIRM REGULATORY COMPLIANCE

Determine if the TSDF has a good compliance record. A good method for determining this is to contact your state environmental regulatory

agency and speak with the RCRA enforcement branch. Ask to speak to an inspector familiar with the subject TSDF and inquire as to the number and frequency of notices of violations (NOV) issued to that facility. If the TSDF has more than ten NOVs over the previous two years you may consider having the facility review by an environmental consultant.

### RECORDS OF RELEASES AND CONTAMINATION

Determine if there have been any spills or releases reported for the TSDF. Again, the best way to determine this information is to contact your state environmental agency. For this information, you will need to speak to both the CERCLA and the RCRA sections. Reported releases may be documented under one or both of these branches. Many states publish a list of hazardous waste sites active in their region. This list should be reviewed for the TSDF of concern and its holding companies.

A national superfund list is also available either through your state or region environmental office. If a release(s) has been reported for the facility inquire whether remedial action has been performed and whether the issue has been closed.

Further assessment of the risk associated with potential contamination issues at a TSDF may need to be reviewed by an environmental consultant possessing the technical expertise necessary to properly assess the risk.

### GENERAL

Regardless of the TSDF you ultimately choose, remember that all waste must be properly characterized, manifested, and transported by a licensed transporter.

### POLLUTION PREVENTION

Remember, the best way to reduce a park's CERCLA liability is through pollution prevention. Review the appropriate fact sheet for the waste stream you are managing for more information.

### ENVIROFACTS X-REFERENCES

- Hazardous Waste Generator Status Determination
- Hazardous Waste Characterization

## TSDF AUDIT CHECKLIST

Checklist Item	Notes
<p>1. Make a list of all the TSDFs currently used or being considered by your Park. Included or attach the following information by calling the TSDF or referencing information available at your Park:</p> <ul style="list-style-type: none"> <li>• facility name,</li> <li>• facility address,</li> <li>• subsidiaries or holding companies of the facility,</li> <li>• permitted wastes the facility can treat,</li> <li>• copy of all permits for the facility,</li> <li>• copy of pollution insurance policies for facility,</li> <li>• copy of laboratory certification if applicable,</li> <li>• list of outstanding NOVs, consent agreements, correction notices, or other corrective action regulatory documents.</li> </ul>	
<p>2. Call or write your state environmental regulatory agency and request all information regarding spills or contamination associated with each of the companies listed.</p>	
<p>3. Request a list of state and federal hazardous waste sites from your state or regional environmental regulatory agency.</p>	
<p>4. Cross reference the list of hazardous waste sites with your list of potential TSDFs. Review the list for sites that may also be owned by the TSDF.</p>	
<p>5. Review the number and severity of NOVs issued to the TSDF by your state environmental regulatory agency.</p>	
<p>6. Contact the state attorney general's office complaints line to review possible issues against the facility.</p>	
<p>7. Access the Better Business Bureau reliability report and verify that the facility has no complaints against it.</p>	
<p>8. Review the NPS document entitled "List of Parties Excluded from Federal Procurement and Non-Procurement Programs," available through your Park's contracting officer.</p>	
<p>9. Assemble all data for each site and determine if an environmental consultant should be used to further assess the potential CERCLA liability associated with each facility.</p>	